

Charles X. Gormally, Esq. (Bar No. 023581979)

Lucas Markowitz, Esq. (Bar No. 023802011)

BRACH EICHLER L.L.C.

101 Eisenhower Parkway

Roseland, New Jersey 07068-1067

(973) 228-5700

Attorneys for Jane Doe 1, individually

and on behalf of all other persons similarly situated

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY**

JANE DOE 1, individually and on
behalf of all other persons similarly
situated,

Plaintiff,

vs.

BANC, JACK & JOE, LLC dba
TITILATIONS GO-GO-BAR, BANC
PERO, JOSPEH CARERI, JACK
PERO, ABC COMPANIES 1-10 and
JOHN DOES 1-10,

Defendants.

Civil Action No.: 2:17-cv-03843-KSH-CLW

[PROPOSED] ORDER

This matter having come before the Court on a motion by Plaintiff, individually and on behalf of all other persons similarly situated, for conditional certification and court-authorized notice, and for class certification of a class under Rules 23(b)(2) and 23(b)(3), and the Court having considered the arguments and papers submitted herein, and for good cause shown;

IT IS on this _____ day of _____, 201_,

ORDERED that Plaintiff's Motion for Conditional Certification and Court-Authorized Notice, and Plaintiff's Motion to Certify a Class under Rules 23(b)(2) and 23(b)(3) is hereby **GRANTED** in its entirety. Specifically, the Court Orders the following:

1. Plaintiff's Fair Labor Standards Act ("FLSA") claims in this case shall proceed as a conditionally certified collective action, under 29 U.S.C. § 216(b), on behalf of all current and former exotic dancers who worked for Defendants at any time between May 31, 2014 to the present;

2. The language of the proposed FLSA Notice and Consent To Sue form (attached hereto) is approved as fair and accurate;

3. Within seven (7) days of the date of this **ORDER**, Defendants shall produce to Plaintiff's counsel in Excel format, a mailing list containing the names, most recent known addresses and phone numbers, and email addresses of all persons described in Paragraph 1 of this **ORDER**, so that mailing and emailing of the notice may be timely accomplished. Defendants shall further produce to Plaintiff's counsel within seven (7) days of any request by Plaintiff's counsel all telephone numbers Defendants might have (if any) for any person described in Paragraph 1 of this **ORDER** whose FLSA Notice is returned by the Post Office as undeliverable or email is rejected. Use and possession of the information provided by Defendants pursuant to this paragraph shall be used solely for the purpose of providing notice of this action to persons entitled to file Plaintiff Consent To Sue forms pursuant to paragraph 1 of this **ORDER**;

4. Within seven (7) days of the date of this **ORDER**, Defendants shall conspicuously post copies of the approved FLSA Notice and Consent to Sue form on 11.0 x 17.0 inch paper in the dressing room/back room of Titillations.

5. Within thirty (30) and (60) days of the date of this **ORDER**, Defendants shall provide the approved FLSA Notice to all current exotic dancers upon arrival for their first shift which occurs at least thirty days after the date of this **ORDER**, along with copies of the Consent

To Sue form. When providing the approved FLSA Notice, recipients will be specifically told that they cannot be retaliated against for joining the suit;

6. Within thirty (30) days of the date of this **ORDER**, Plaintiff's counsel is authorized to mail a copy of the approved FLSA Notice and Consent to Sue form to all members potential members of the collective;

7. For those potential members of the collective who have not responded within sixty (60) days of the date of this **ORDER**; Plaintiff's counsel is authorized to mail a second copy of the approved FLSA Notice and Consent to Sure form to all members potential members of the collective and to attempt to reach the potential members of the collective by phone;

8. In order to be considered timely filed, the Consent To Sue form must be received and filed/date stamped by the Court no later than ninety (90) days after the date which the FLSA Notice is first mailed or emailed by Plaintiffs' counsel; and

9. All plaintiffs who join the collective action by timely filing their Consent to Sure form shall be permitted to proceed anonymously pursuant to the terms of ECF No. 5.

And it is **FURTHER ORDERED** that:

10. Plaintiff's State law claims under the New Jersey Wage and Hour Law, N.J.S.A. 34:11-56a through 34:11-56a30 shall proceed as a class action under Rule 23(b)(3), on behalf of:

All persons who, during the period of May 31, 2014 and continuing through the entry of judgment in this case, performed as an exotic dancer at Defendants' adult entertainment club in Bloomfield, New Jersey;

11. Plaintiff's State law claims under the New Jersey Wage and Hour Law, N.J.S.A. 34:11-56a through 34:11-56a30 shall proceed as a class action under Rule 23(b)(2), on behalf of:

All persons who currently perform as an exotic dancers at Defendants' adult entertainment club in Bloomfield, New Jersey;

12. Plaintiff's State common law claims shall proceed as a class action under Rule 23(b)(3), on behalf of:

All persons who, during the period of May 31, 2014 and continuing through the entry of judgment in this case, performed as an exotic dancer at Defendants' adult entertainment club in Bloomfield, New Jersey;

13. Plaintiff's State common law claims shall proceed as a class action under Rule 23(b)(2), on behalf of:

All persons who currently perform as an exotic dancers at Defendants' adult entertainment club in Bloomfield, New Jersey;

14. Within thirty (30) days of this Order, Plaintiff shall file a proposed class action notice to be sent to the class members;

15. The Court will schedule a case management conference to discuss issues regarding class discovery and equitable tolling of the statute of limitations for the collective.

DATED:

HON. KATHARINE S. HAYDEN, U.S.D.J.